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5 Attorney for Defendant  
6 ANTHONY McGEE

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

No. CR 12-0052 EMC

11  
12 Plaintiff,

**STIPULATION AND PROPOSED  
ORDER CONTINUING MOTION  
HEARING**

13 v.

14 ANTHONY McGEE,

15 Defendant /

16  
17 IT IS HEREBY STIPULATED that the hearing on defendant's motion to suppress  
18 evidence currently scheduled for September 28, 2012 at 2:30 p.m. may be vacated and continued  
19 one week to October 3, 2012 at 3:00 p.m. The reason for the continuance is that counsel for the  
20 defendant will be unavailable because he has a preliminary hearing scheduled that day in a  
21 murder case in state court that was set on a time not waived basis.

22 The parties further stipulate that the time until October 3, 2012 may continue to be

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1 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(b), because the motion to suppress  
2 evidence is still pending.

3 **SO STIPULATED.**

4  
5 DATED: September 24, 2012

6 MELINDA HAAG  
7 United States Attorney

8 By: /S/Robert David Rees  
9 ROBERT DAVID REES  
10 Assistant United States Attorney

11  
12 DATED: September 24, 2012

13 By: /S/Erik Babcock  
14 ERIK BABCOCK  
15 Counsel for Defendant

16 **IT IS SO ORDERED.**

17 DATED: September 24, 2012

